

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

v. : 07 Cr. 582 (CM)

ESMOND ELCOCK, JR, et al., :

Defendants. :

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AFFIRMATION OF NADINE WHITTINGHAM
IN SUPPORT OF MOTION TO DISMISS COUNT THREE
OF THE INDICTMENT FOR LACK OF VENUE

I, **NADINE WHITTINGHAM**, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that:

1. My name is Nadine Whittingham, and I am one of the defendants in the above-captioned case. I live at 114-52 169th Street, Jamaica, New York. I make this affirmation in support of a motion pursuant to Federal Rules of Criminal Procedure 12 and 18 to dismiss the third count of the indictment for a lack of venue. Because the purpose of this affirmation is to show that venue does not lie in the Southern District of New York, my attorney has advised me that it is not necessary to discuss other details of the incidents alleged in the indictment, and I have not done so.

2. The Bank of America branch, where I was employed at the time of the incidents alleged in the third count of the indictment, is located in Rosedale, which is a neighborhood in Queens, New York.

3. During the time of the incidents alleged in the third count of the indictment, I did not work for any other bank.

4. During the time of the incidents alleged in the third count of the indictment, I was living in Queens, New York.

WHEREFORE, it is respectfully requested that this Court enter an order dismissing the third count of the indictment for lack of venue in the Southern District of New York.

I declare under penalty of perjury that the foregoing is true and accurate.

Dated: Queens, New York
December 4, 2007

 12/4/07
NADINE WHITTINGHAM